

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Domestic Security Committee

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BILL: CS/SB 1228

SPONSOR: Domestic Security Committee and Senator Diaz de la Portilla

SUBJECT: Emergency Preparedness

DATE: March 9, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>TA</u>	_____
4.	_____	_____	<u>WM</u>	_____
5.	_____	_____	<u>RC</u>	_____
6.	_____	_____	_____	_____

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## I. Summary:

The bill revises district school board responsibilities to include emergency preparation and drill activities for emergency response and management, including incidents or events resulting from violence, technological malfunction or human error, and natural disaster. The bill requires at least 10 emergency drills per school year and specifies the types of drills that must be conducted and documented by each school. The bill redefines the areas of life-threatening emergencies for which the board must establish model procedures

The bill amends s. 1006.07(4), F.S.

## II. Present Situation:

### **District school board duties for student discipline and school safety**

Subpart C of part I of chapter 1006, F.S., relates to student discipline and school safety. Current law (s. 1006.07(4), F.S.) provides for district school board duties for student discipline and school safety, including emergency drills and emergency procedures. Specifically, the district school boards must develop policies and procedures for emergency drills and for actual emergencies, including, but not limited to fires, natural disasters, and bomb threats, for all the public schools of the district which comprise grades K-12.

District school boards must also establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

- Weapon-use and hostage situations;
- Hazardous materials or toxic chemical spills;

- Weather emergencies, including hurricanes, tornadoes, and severe storms; and
- Exposure as a result of a manmade emergency.

### **School district self-assessments**

The law (s.1006.07(6), F.S.) requires school boards to use the safety and security best practices developed by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a self-assessment of current district safety and security practices. The first best practices were developed for the 2001-2002 school year by OPPAGA and the Partnership for School Safety and Security and approved by the Commissioner of Education. These practices were revised for 2003-2004 and include regular practice of emergency responses, as well as new indicators for emergency response procedures.<sup>1</sup>

### **OPPAGA Report on school district self-assessments**

OPPAGA examined the results of the 2001-2002 self-assessments conducted by each of Florida's 67 school districts.<sup>2</sup> The report noted that school districts have used the self-assessment process to develop recommendations for corrective action to improve school safety. Currently, school districts reported meeting an average of 90% of the state's 29 safety and security best practices. However, between 20% and 29% of Florida's school districts reported not meeting or partially meeting the following three best practices:

- establishing accountability mechanisms to ensure performance, efficiency, and effectiveness;
- developing emergency response procedures;
- having appropriate equipment to protect property and records.<sup>3</sup>

The National Fire Protection Association Life Safety Code (NFPA 101) is incorporated in the Florida Fire Prevention Code<sup>4</sup> and provides minimum requirements for the design, operation, and maintenance of buildings and other structures for safety to life from fire and other emergencies. The code requires at least 10 fire drills per year. The Life Safety Code requires that not less than one emergency egress and relocation drill to be conducted every month a facility is in session and one additional emergency egress and relocation drill must be required within the first 30 days of operation (other than educational occupancies that are open on a year round basis).<sup>5</sup>

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<sup>1</sup> OPPAGA Information Brief No. 03-63 *School Safety and Security Best Practices Updated*, December 2003.

<sup>2</sup> OPPAGA Information Brief No. 02-49, *School Districts Identify a Variety of Ways to Improve Safety in Schools*, September 2002. The results of the 2001-2002, 2002-2003, and 2003-2004 self-assessments for the 67 school districts, as well as the developmental research schools and the Florida School for the Deaf and the Blind, are available at:  
[http://www.firn.edu/doe/besss/safe\\_passage/safe\\_passage2002.htm](http://www.firn.edu/doe/besss/safe_passage/safe_passage2002.htm).  
[http://www.firn.edu/doe/besss/safe\\_passage/safe\\_passage2003.htm](http://www.firn.edu/doe/besss/safe_passage/safe_passage2003.htm).  
[http://www.firn.edu/doe/besss/safe\\_passage/safe\\_passage2004.htm](http://www.firn.edu/doe/besss/safe_passage/safe_passage2004.htm).

<sup>3</sup> OPPAGA Information Brief No. 04-27, *School Districts Identify Actions to Improve School Safety Through Self Assessment*, March 2004.

<sup>4</sup> NFPA 101 and other NFPA codes as applicable are incorporated by reference as part of Rule 6-2.001(1) (m), F.A.C., related to educational facilities.

<sup>5</sup> Florida Fire Prevention Code (2004), section 14.7.1.2.

### **Strengthening Domestic Security in Public Schools**

In an effort to support schools as part of Florida's Domestic Security Strategy, the Statewide Policy for Strengthening Domestic Security in Florida's Public Schools was developed. This policy was developed for districts and schools to use to enhance the safety of public school campuses and was developed by a statewide group of school district representatives with input from the school community, the Florida Departments of Education and Law Enforcement, and the Florida Regional Domestic Security Task Force Education Sub-Committees. This policy focuses on the following six elements:

- 1) Access control.
- 2) Emergency equipment.
- 3) Training.
- 4) Communication and notification procedures.
- 5) Coordination with partners.
- 6) Vulnerability assessment.

The statewide policy was developed to capitalize on current school protection measures and draws from similar guidelines from other states as well as the experience of school districts throughout Florida.

### **III. Effect of Proposed Changes:**

**Section 1.** The bill amends s. 1006.07(4), F.S., to revise district school board responsibilities to include emergency preparation and drill activities for emergency response and management, including incidents or events resulting from violence, technological malfunction or human error, and natural disaster.

The bill requires at least 10 emergency drills per school year and specifies the types of drills that must be conducted and documented by each school: five emergency egress drills; one accidental or intentional hazardous material release drill; two tornado drills; and two drills at the discretion of each school. In addition, the bill redefines the areas of life-threatening emergencies for which the board must establish model procedures to include:

- manmade emergencies, including fires and bomb threats; and
- technological emergencies, including radiological releases.

According to the Department of Education, the Interagency Advisory Committee to the Office of Safe Schools recommended similar changes to those contained in the bill, based on the results of a survey of the 67 school districts in Florida.<sup>6</sup> The survey was conducted by the Department of Education in November 2000 to determine the districts' level of emergency preparedness and to identify any unmet needs for resources. According to the results of the survey, on average, eight out of ten emergency drills conducted in Florida schools are fire drills. Emergencies faced by over half of the districts include bus accident, injury/illness, bomb threat, severe weather,

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<sup>6</sup> "Critical Incidents/Emergency Planning District and Select School Survey Results, 2000-2001 School Year," Florida Department of Education, Division of Public Schools, Bureau of Equity, Safety and School Support, Office of Safe Schools.

guns/weapons, trespasser, and evacuation. The interagency committee is composed of representatives of the following agencies and organizations: Department of Education, Office of the Attorney General; Florida Department of Community Affairs, Division of Emergency Management; Florida Department of Law Enforcement; Florida Association of School Administrators; Florida Association of School Resource Officers; Broward and Palm Beach County School Districts; Florida Emergency Medical Service Providers; Florida School Boards Association; Florida Emergency Preparedness Association; Florida Fire Chiefs Association; and a district student services representative.

**Section 2.** The bill provides for an effective date of July 1, 2005.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

School boards may incur some costs associated with their revised responsibilities for developing emergency policies and procedures. The expertise of the various agencies involved with the critical prevention, planning and preparedness activities, as well as others, may be used to make these revisions. For example, the Federal Emergency Management Agency (FEMA) regional offices have developed model crisis plans and procedures in a number of areas. The Centers for Disease Control and Prevention (CDC) collaborated with the U.S. Department of Education, FEMA, and other organizations to develop recommendations for model school safety plans to address possible biological, chemical, or radiological terrorist threats.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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